

REMARKS

Claims 6, 9 and 11-15 are pending in this application. Non-elected claims 9 and 12-14 are withdrawn from consideration by the Examiner. By this Amendment, claims 6 and 9 are amended and claim 10 is canceled. Support for the amendments to the claims may be found, for example, in the claims as originally filed, and in the specification at page 3, lines 30-35, page 6, line 42 to page 7, line 1, page 8, lines 11-13 and 27-32, and Fig. 2. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Information Disclosure Statement

Regarding the Information Disclosure Statement (IDS) filed December 1, 2009, Applicant has submitted an IDS on June 25, 2010 where we explained that KR 10-0295168 corresponds to U.S. Patent No. 5,607,892 which is of record, and thus the concise explanation of the relevance of KR 10-0295168 may be found in U.S. Patent No. 5,607,892. Also, in the IDS filed June 25, 2010, Applicant resubmitted the John Dalton Wright reference.

Therefore, Applicant respectfully requests the Examiner's acknowledgment that the above documents are actually present in the U.S. PTO's file and that the Examiner has considered them.

II. Rejection Under 35 U.S.C. § 103

The Office Action rejects claims 6, 10, 11 and 15 under 35 U.S.C. §103(a) as obvious over U.S. Patent Application Publication No. 2002/0098975 to Kimura et al. ("Kimura"). By this Amendment, claim 10 is canceled, rendering the rejection as to that claim moot. Because the subject matter of canceled claim 10 is incorporated into claim 6, the rejection with respect to claim 6 will be addressed below. As to the remaining claims, Applicant respectfully traverses the rejection.

By this Amendment, claim 6 is amended to recite, *inter alia*, that "said core part and said surface layer each comprises a plurality of primary particles, and the primary particles constituting said core part are particles of ceria-zirconia solid solution." Kimura does not teach, suggest, or establish any reason or rationale to provide such features.

Kimura merely discloses that "a cerium nitrate ($\text{Ce}(\text{NO}_3)_3$) aqueous solution was impregnated into a commercially available zirconia powder to load Ce thereon. ... According to the results of an X-ray diffraction analysis, it was verified that a part of Ce was solved into ZrO_2 . Except that the heat-resistant zirconia powder with Ce added was used instead of the heat-resistant zirconia powder with Nd added, an exhaust gas purifying catalyst of Example No. 2 was prepared in the same manner as Example No. 1." See Kimura, paragraphs [0047] and [0048], emphasis added. The "heat-resistant zirconia powder with Ce added" of Kimura is not a plurality of primary particles that is a ceria-zirconia solid solution, as required by claim 6.

Instead, Kimura discloses depositing cerium nitrate on the surface of zirconia powder and then firing the zirconia powder. Thus, a substantial part of zirconia powder does not form a solid solution with ceria. Rather, only the surface area of the zirconia powder forms a solid solution with ceria. Thus, a person of ordinary skill in the art would recognize that "the heat-resistant zirconia powder with Ce added" of Kimura is a zirconia powder having ceria-zirconia solid solution only in the surface area of the zirconia powder. Therefore, Kimura fails to teach or suggest that "said core part and said surface layer each comprises a plurality of primary particles, and the primary particles constituting said core part are particles of ceria-zirconia solid solution," as required by claim 6. Accordingly, claim 6 and its dependent claims would not have been rendered obvious by the applied references.

Furthermore, the claimed invention provides unexpected results in that an oxygen storage capacity (OSC) can be provided by the ceria-zirconia solid solution in the core part,

and when a noble metal, particularly platinum, is supported on this metal oxide particle, sintering of the noble metal can be prevented by virtue of ceria in the surface layer. See specification, page 4, lines 17-22. These benefits are neither taught nor suggested by the applied reference.

Therefore, for at least these reasons, claim 6 and its dependent claims would not have been rendered obvious by the applied reference. Reconsideration and withdrawal of the rejections are respectfully requested.

III. Rejoinder

Rejoinder of withdrawn claims 9 and 12-14 is respectfully requested. Claim 9 requires all the features of claim 6 and, thus, should be rejoined upon allowance of claim 6. Because claim 6 is believed to be allowable for at least the reasons discussed above, withdrawal of the restriction requirement and rejoinder, examination, and allowance of claim 9 and its dependent claims 12-14 are respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: October 19, 2010

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